



# Monterey County Zoning Administrator

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Agenda Item No. 1 Legistar File Number: ZA 21-005

February 11, 2021

Introduced: 2/3/2021

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

### PLN180122 - KOWALSKI

Public hearing to consider the remodel of an existing 1,234 square foot one-story single family dwelling and a 1,622 square foot, two-story addition to the dwelling resulting in 2,771 square foot total.

**Project Location:** 261 Corral De Tierra, Salinas, Toro Area Plan

**Proposed CEQA Action:** Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines.

### RECOMMENDATION:

It is recommended that the Zoning Administrator:

- 1) Find that the project is a single-family dwelling which qualify as a Class 3 Categorical Exemption pursuant to Section 15303(a) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approve an Administrative Permit and Design Approval a remodel of an existing 1,234 square foot one-story single family dwelling and a 1,622 square foot two-story addition to the dwelling resulting in 2,771 square foot total.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit B**).

### PROJECT INFORMATION:

**Agent:** Aaron Tollefson

**Project Owner:** James and Anita Kowalski

**APNs:** 416-342-001-000

**Zoning:** RG/20-VS

**Parcel Size:** 558,874 sq. ft.

**Plan Area:** Toro Area Plan (TAP);

**Flagged and Staked:** Yes

### SUMMARY:

The Applicant proposes to remodel an existing 1,234 square foot one-story single family dwelling, add 1,268 square feet to the main level, and add a 344 square foot upper level to the home. The project will be result in a 2,771 square foot two-story single family dwelling

The site contains an existing single family dwelling, guesthouse, and a small shed. The subject parcel is zoned Rural Grazing with a maximum gross density of 20 acres per unit with a Visual Sensitivity overlay or "RG/20-VS." Within this district, single family dwellings accessory to the agricultural use of a property are allowed.

The VS zoning overlay district applies to this property. The VS district regulates development in areas that have the potential to create a substantial adverse visual impact as viewed from a common public viewing area. Staff required the applicant to stake and flag the proposed additions with orange netting and conducted a site visit to review the visibility of the flagging. The addition is visible from Corral de Tierra Road but not from Highway 68 or other vista points in the vicinity. Based on the site visit and the criteria contained in the VS zoning regulations, staff determined that an Administrative Permit and Design Approval are required for this project. The application was originally set to be heard by the Monterey County RMA Chief of Planning on August 21, 2019 for administrative approval. Before that date, correspondence was sent by a member of the public requesting a public hearing because of concerns about the project. One of the concerns was that the project does not comply with the 100 foot setback required from Corral De Tierra Road. Staff has worked with the applicant to make revisions to the project to address this concern.

The entire existing single family dwelling is located less than 100 feet from Corral De Tierra Road. The proposed addition will connect to the rear of the home and except for a small area where the addition connects to the existing house, the new addition will comply with the 100 foot setback requirement. The existing dwelling will remain and be remodeled without changing the setback from the Road. This type of project and addition is contemplated in the Toro Area Plan where the 100 foot setback is established (Policy T-3.3).

Staff suggests that comments received during review of this application have been addressed, that the project, as designed, is consistent with the applicable regulations, and that the addition will not cause a substantial adverse visual impact.

#### DISCUSSION:

This project was originally set for administrative review and action by the RMA Chief of Planning on August 21, 2019. However, before that hearing date Mike Weaver presented issues about the plan and requested a public hearing. Staff pulled this project from the scheduled administrative decision and set the matter for review and action by the Zoning Administrator. Since August 21, 2019, staff has worked with the applicant to address concerns presented by Mike Weaver. In particular, the primary concern about the 100 foot setback from Corral De Tierra Road has been addressed. Listed below are the concerns presented during the Administrative Permit review process:

*Contention #1.* The project will not meet the setback requirement of 100 feet.

*Contention #2* Traffic and safety. The correspondent noted that over the years, traffic increased along Corral de Tierra Road. He noted that it a busy and noisy road with traffic accidents. The correspondent suggested that it would make more sense to build towards that back of the home since there seems to be plenty of open space and room for development further back on the property.

*Concern #3* The design is rather common place and cookie cutter looking.

The following is an analysis of the concerns that were expressed above.

*Response to Contentions #1 and #2*

The subject property project is within in a designated “Visual Sensitivity” zoning district. The property fronts Corral De Tierra which is an existing scenic route. TAP Policy T-3.3 requires a 100-foot setback for lots that are adjacent to routes designated within the critical viewshed as shown on the Toro Scenic Highway Corridors and Visual Sensitivity Map. That setback area is to be required on all lots adjacent to these routes to provide open space and a landscape buffer. It is true that the existing home is located less than 100 feet from Corral de Tierra Road and that a demolition and reconstruction was originally proposed within the setback area. Since that time, the plans have been revised (plans dated May 7, 2020) so that the project will remodel the existing portion of the house within the setback and add to the rear of the home in an area substantially conforming to the setback.

The existing home was originally built in 1930 thus before the more restrictive Toro Area Plan (TAP) Policy T-3.3 was in place. The existing home is a legally non-conforming structure. It is important to note that TAP T-3.3 also specifies that the required 100 foot setback in the visually sensitive area may be reduced to *accommodate additions to existing structures that become non-conforming due to the policy*. That pertains to this project since the existing home is legally non-conforming to the Toro visual sensitivity setback.

Most of the home additions will be located in the conforming area of the parcel, meaning setback more than 100-feet from Corral. This includes the second floor addition, consisting of only 344 square feet that will be located in back area of the home.

#### *Response to Contentions #3*

As to the design aspects of this project, this project blends into the community visually and meets the criteria to grant a Design Approval in this case. Other homes in the neighborhood range from single to two-story homes, and the height of the proposed dwelling is below the maximum amount allowed in the zoning district. The project complies with the visual and design policies and regulations per the general plan, land use plan, and zoning code.

As was discussed in the summary, the revised plans differ from the original plans because most of the additions to the home will be located in the back area of the home. *All* of the expansion area on the bottom level will occur behind the current home footprint. Also, most of the expansion area will be located behind the 100-foot set back area. Furthermore, the second floor addition, consisting of 344 square feet is in the back area of the home; in an area that conforms to the 100 foot setback required from Corral de Tierra Road. Staff found that the development would not create a substantially adverse visual impact because it does not visually not create an adverse visual impact when viewed from scenic roads in the area. The project will be visible from Corral de Tierra but the additions will not substantially alter the appearance of development when viewed from Corral de Tierra.

The highest point of the home as proposed is 25 feet and 4 inches, and below the maximum 35-foot height requirement as defined in Title 21. The colors and materials for the proposed single-family dwelling have a modern ranch architectural style. The exterior finishes blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other dwellings in the neighborhood that range from single to two-story homes, and mainly ranch style.

The following section summarizes the project review. The resolution contains more detailed information.

#### Development standards

The development standards for the RG zoning district are identified in Title 21 Section 21.32.010. Required setbacks for main structures are 30 feet (front) and 20 feet (rear and side). The Toro Area Plan Policy T-3.3 requires a 100 foot setback for lots that are adjacent to routes designated within the critical viewshed as shown on the Toro Scenic Highway Corridors and Visual Sensitivity Map. The subject property is shown as visually sensitive on this map and fronts along Corral De Tierra; therefore, the special setback of 100 feet from Corral De Tierra would be applicable. The proposed single family dwelling will continue to use the same front setback as the existing non-conforming home. The side setback of the proposed home is 20 feet and the rear setback will be well over 20 feet. The height of the main structure will be 25-feet and 4 inches, below the allowed height for this zoning district, which is 35 feet.

The site coverage allowed in the RG zoning is a maximum of 5% of the total lot size. The property is 12.83 acres which would allow site coverage of up to 27,943 square feet. The proposed project plus the existing structures (a guesthouse and shed) would result in an overall site coverage of 3,779 S.F. (0.68%). Therefore, as proposed, the project meets all required development standards.

The project does not involve a designated historical resource therefore the HRRB was not consulted. Furthermore, a Historic Assessment report was submitted by the applicant and reviewed by staff to verify that determination that the property is not historically significant.

Based on review of the project for conformance with all applicable codes, and staff's site visit to the project, staff presents this staff report, project plans, and color samples for consideration and recommends approval of the project.

#### ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA) Guidelines Sections 15303 (a) categorically exempts the construction of single family dwellings. The project is to construct an addition resulting in a 2,771 square foot two-story single family; therefore, the project qualifies for a Class 1 categorical exemption pursuant to Section 15303 (a) of the CEQA guidelines. No evidence of significant adverse environmental effects were identified during staff review of the development application.

#### OTHER AGENCY INVOLVEMENT:

No other County agencies or departments reviewed this project. The project was originally processed as an administrative permit and design approval which based off the current LUAC Guidelines, does not warrant referral to LUAC because the project does not propose a lot line adjustment involving conflicts, a variance, or a Design Approval subject to review by the Zoning Administrator or Planning Commission. Because the changes to the plans addressed the primary issues raised from the public, staff determined that the project did not need to be referred to LUAC.

#### FINANCING:

Funding for staff time associated with this project is included in the FY20-21 Adopted Budget for HCD-Planning.

Prepared by: Sandra Villatoro, Assistant Planner, x5139

Reviewed by: Craig Spencer, HCD Services Manager

Approved by: Mike Novo, HCD Interim Director

The following attachments are on file with Housing and Community Development:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Recommended Conditions of Approval
- Revised Site Plan, Floor Plans, Elevations
- Color and Material Finishes

Exhibit C - Vicinity Map

Exhibit D - Correspondence

cc: Front Counter Copy; Sandra Villatoro, Assistant Planner; Craig Spencer, HCD Services Manager; James and Anita Kowalski, Property Owners; Aaron Tollefson, Agent; Mike Weaver, interested party; Project File PLN180122.